

## MEMORANDUM

To: Parties to PSB Docket No. 7466 (EEU Structure Investigation)

From: Judith C. Whitney, Deputy Clerk of the Board

Re: Witness Schedule for Hearings

Date: September 14, 2009

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On September 4, 2009, the Vermont Department of Public Service ("DPS") filed a proposed witness schedule for the technical hearings scheduled for September 15-17. The DPS stated that the schedule attempted to incorporate the time requests and schedule preferences of all parties, but that not all parties had assented to it before it was filed. The DPS stated that it would communicate with all parties to determine whether they could reach agreement on a schedule and would notify the Board as soon as possible of the results of this effort.

The Board has not heard further from the DPS regarding its efforts to reach consensus on a hearing schedule. However, the Board has received an e-mail message from the Conservation Law Foundation ("CLF") indicating that its witness is no longer available on the date he would testify under the proposed schedule.<sup>1</sup> The Board has received several e-mail messages indicating that the parties are trying to accommodate this change, but no message indicating that a resolution has been reached. Nevertheless, since the hearings begin tomorrow morning, it is necessary for the Board to establish the order of witnesses now. Therefore, the Board accepts the proposed schedule filed on September 4, 2009, with the following modifications:

- Since at least one party has stated that it might not need all the cross-examination time that it requested,<sup>2</sup> the first witness on Wednesday should be prepared to start testifying on Tuesday if there is time.

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<sup>1</sup>E-mail message from Sandra Levine, Esq., CLF, dated September 11, 2009.

<sup>2</sup>VEIC's September 9, 2009, request to file surrebuttal testimony stated that filing surrebuttal testimony might allow it to reduce its cross-examination time of Mr. Poor.

- The first witnesses on Thursday should be prepared to start testifying on Wednesday if there is time.
- If the hearings are ahead of schedule, the Board will start the hearings later on Thursday morning.

Parties are reminded that each day, one-half hour before the commencement of hearings, a member of the Board's staff will meet with parties' representatives in the hearing room to discuss procedural issues that may arise that day. All parties intending to present evidence or conduct examination that day *must* attend. Issues to be discussed will include the schedule for the day, marking of exhibits, identification of allegedly confidential information that may be presented that day, objections to testimony or exhibits, and other procedural matters.